

AMENDED IN ASSEMBLY AUGUST 4, 2004

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1271

Introduced by Senator Ortiz

February 13, 2004

An act to amend Section 17556 of the Government Code, and to repeal Chapter 1037 of the Statutes of 2000, relating to the Grant Joint Union High School District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1271, as amended, Ortiz. Grant Joint Union High School District.

(1) The California Constitution requires the state to reimburse local agencies and school districts for costs mandated by the state and incurred by a local agency or school district to implement a new program or higher level of service. Existing law excepts from this requirement certain costs including, among others, costs mandated by a statute or executive order that imposes a duty on a local agency or school district that was expressly included in a ballot measure approved by the voters in a statewide election.

This bill would include within that exception, costs mandated by a statute or executive order that imposes a duty on a local agency or school district that was expressly included in a ballot measure approved by the voters in a local election.

(2) Existing law requires a school district that succeeds the Grant Joint Union High School District to use, for home-to-school transportation, the funding made available pursuant to voluntary

desegregation programs and requires that pupils in grades 7 to 12, inclusive, who apply to transfer from a school district that succeeds the Grant Joint Union High School District to another school district that succeeds the Grant Joint Union High School District to be granted a transfer according to certain priorities, among which is that the transfer would mitigate schoolsite segregation.

This bill would repeal these provisions and instead state the intent of the Legislature that, if the Grant Joint Union High School District is reorganized to create 2 new unified school districts, the reorganization be implemented in a manner that provides constitutionally permissible opportunities for the voluntary racial, ethnic, and socioeconomic integration of pupils attending the each school district.

The bill would require a proposal to reorganize the Grant Joint Union High School District that is initiated by the Sacramento County Committee on School District Organization and approved by the State Board of Education before December 31, 2007, to include requirements that pupils eligible to enroll in any of grades 7 to 12, inclusive, except expelled pupils, whose parents are residents of any school district that succeeds the Grant Joint Union High School District have the same rights to enroll in any secondary school in a district that succeeds the Grant Joint Union High School District as a pupil whose parents are residents of that other district, and that the successor school districts to the Grant Joint Union High School District provide free transportation to these pupils if they so request, hold joint annual meetings to review segregation issues, and grant seniority rights to employees of school districts that cease to exist as a result of the proposal who become employees of the successor districts.

The bill would require a ballot measure to approve this proposal to clearly inform the voters that by approving the measure the voters are mandating the successor school districts to incur costs to implement the requirements described above and that these costs would not be reimbursed by the state. The bill would make legislative findings and declarations in this regard.

(3) The bill would declare that, due to the unique circumstances applicable to the Grant Joint Union High School District, a general statute within the meaning of certain provisions of the California Constitution cannot be made applicable and a special statute is necessary.

(4) *This bill would incorporate additional changes in Section 17556 of the Government Code, proposed by AB 2855, to be operative only if*



AB 2855 and this bill are both chaptered and become effective January 1, 2005, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17556 of the Government Code is
2 amended to read:
3 17556. The commission shall not find costs mandated by the
4 state, as defined in Section 17514, in any claim submitted by a
5 local agency or school district, if, after a hearing, the commission
6 finds any of the following:
7 (a) The claim is submitted by a local agency or school district
8 that requested legislative authority for that local agency or school
9 district to implement the program specified in the statute, and that
10 statute imposes costs upon that local agency or school district
11 requesting the legislative authority. A resolution from the
12 governing body or a letter from a delegated representative of the
13 governing body of a local agency or school district that requests
14 authorization for that local agency or school district to implement
15 a given program shall constitute a request within the meaning of
16 this paragraph.
17 (b) The statute or executive order affirmed for the state a
18 mandate that had been declared existing law or regulation by
19 action of the courts.
20 (c) The statute or executive order implemented a federal law or
21 regulation and resulted in costs mandated by the federal
22 government, unless the statute or executive order mandates costs
23 that exceed the mandate in that federal law or regulation.
24 (d) The local agency or school district has the authority to levy
25 service charges, fees, or assessments sufficient to pay for the
26 mandated program or increased level of service.
27 (e) The statute or executive order provides for offsetting
28 savings to local agencies or school districts that result in no net
29 costs to the local agencies or school districts, or includes additional
30 revenue that was specifically intended to fund the costs of the state
31 mandate in an amount sufficient to fund the cost of the state
32 mandate.

(f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide or local election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

SEC. 1.5. Section 17556 of the Government Code is amended to read:

17556. The commission shall not find costs mandated by the state, as defined in Section 17514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:

(a) The claim is submitted by a local agency or school district ~~which that~~ requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the governing body or a letter from a delegated representative of the governing body of a local agency or school district ~~which that~~ requests authorization for that local agency or school district to implement a given program shall constitute a request within the meaning of this paragraph.

(b) The statute or executive order affirmed for the state *a mandate that* ~~which~~ had been declared existing law or regulation by action of the courts.

(c) The statute or executive order ~~implemented~~ *imposes a requirement that is mandated by* a federal law or regulation and ~~resulted results~~ in costs mandated by the federal government, unless the statute or executive order mandates costs ~~which that~~ exceed the mandate in that federal law or regulation. *This subdivision applies regardless of whether the federal law or regulation was enacted or adopted prior to or after the date on which the state statute or executive order was enacted or issued.*

(d) The local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute ~~or~~, executive order, *or an appropriation in a Budget Act or other bill* provides for offsetting savings to local agencies or school districts ~~which that~~ result in no net costs to the

1 local agencies or school districts, or includes additional revenue
2 that was specifically intended to fund the costs of the state mandate
3 in an amount sufficient to fund the cost of the state mandate.

4 (f) The statute or executive order imposed duties ~~which~~ *that*
5 were expressly included in a ballot measure approved by the voters
6 in a statewide *or local* election.

7 (g) The statute created a new crime or infraction, eliminated a
8 crime or infraction, or changed the penalty for a crime or
9 infraction, but only for that portion of the statute relating directly
10 to the enforcement of the crime or infraction.

11 SEC. 2. Chapter 1037 of the Statutes of 2000 is repealed.

12 SEC. 3. It is the intent of the Legislature that, if the Grant Joint
13 Union High School District is reorganized into two unified high
14 school districts, the reorganization be implemented in a manner
15 that provides constitutionally permissible opportunities for the
16 voluntary racial, ethnic, and socioeconomic integration of pupils
17 attending each school districts.

18 SEC. 4. A proposal to reorganize the Grant Joint Union High
19 School District that is initiated by the Sacramento County
20 Committee on School District Organization and approved by the
21 State Board of Education before December 31, 2007, shall include
22 provisions stating that approval of the reorganization by the voters
23 is approval of the following conditions:

24 (a) Notwithstanding any provision of law, a pupil who is
25 eligible to enroll in any of grades 7 to 12, inclusive, except an
26 expelled pupil, whose parents are residents of any school district
27 that succeeds the Grant Joint Union High School District has the
28 same rights to enroll in any secondary school in a district that
29 succeeds the Grant Joint Union High School District as a pupil
30 whose parents reside in that other district. A pupil attending,
31 pursuant to this subdivision, a school district other than the school
32 district of residence is deemed to be a resident pupil transferring
33 from outside the attendance area of the school for purposes of the
34 open enrollment policy of the school district.

35 (b) (1) A school district that succeeds the Grant Joint Union
36 High School District shall adopt an open enrollment policy
37 pursuant to subdivision (b) of Section 35160.5 of the Education
38 Code to establish priority for pupils eligible to enroll in any of
39 grades 7 to 12, inclusive, in the following order:

- 1 (A) Currently enrolled pupils at a schoolsite who are residents
2 of the school attendance area.
- 3 (B) Currently enrolled pupils at a schoolsite under a policy on
4 intradistrict transfers existing before a policy is adopted pursuant
5 to this subdivision.
- 6 (C) Siblings of currently enrolled pupils at a schoolsite.
- 7 (D) Pupils who qualify as English learners.
- 8 (E) Pupils who qualify for the free and reduced price lunch
9 program.
- 10 (F) Other priorities that the governing board may establish.
- 11 (2) Priority among pupils in the same priority category shall be
12 resolved by random lottery.
- 13 (c) A school district that succeeds the Grant Joint Union High
14 School District shall provide, at no cost to the pupil, transportation
15 from home or a reasonably convenient location to school to any
16 pupil who so requests and enrolls in a secondary school of the
17 district pursuant to subdivision (a).
- 18 (d) The school districts that succeed the Grant Joint Union High
19 School District shall jointly and annually hold at least one special
20 meeting of their governing boards for the following purposes:
- 21 (1) To review segregation issues in the schools of the districts.
- 22 (2) To review the results of the open enrollment options offered
23 pursuant to this act.
- 24 (3) To propose other programs or policies to address racial
25 isolation or imbalance.
- 26 (e) An employee of the Grant Joint Union High School District,
27 the Rio Linda Union School District, or the North Sacramento
28 Union School District who becomes an employee of a school
29 district that succeeds the Grant Joint Union High School District
30 retains all seniority rights that he or she earned while employed by
31 the Grant Joint Union High School District, the Rio Linda Union
32 School District, or the North Sacramento Union School District.
- 33 SEC. 5. A ballot measure to approve a proposal to reorganize
34 the Grant Joint Union High School District shall clearly inform the
35 voters that by approving the measure the voters are mandating
36 each successor school district to incur costs to provide
37 transportation to pupils who are eligible to attend any of grades 7
38 to 12, inclusive and who request that transportation be provided to
39 them, hold joint annual meetings to review segregation issues, and
40 grant seniority rights to employees of school districts that cease to

1 exist as a result of the proposal who become employees of the
2 successor districts. The ballot measure shall also clearly inform the
3 voters that the state will not reimburse these costs because they are
4 not state-mandated local costs within the meaning of Section 6 of
5 Article XIII B of the California Constitution.

6 SEC. 6. The Legislature finds and declares as follows:

7 (a) The costs incurred by the school districts that are successors
8 to the Grant Joint Union High School District to provide
9 transportation to pupils pursuant to subdivision (c) of Section 3,
10 hold joint annual meetings to review segregation issues pursuant
11 to subdivision (d) of Section 3, and grant seniority rights to
12 employees of school districts pursuant to subdivision (e) of
13 Section 3 are not state-mandated costs within the meaning of
14 Section 6 of Article XIII B of the California Constitution.

15 (b) The voters in approving the proposal to reorganize the
16 Grant Joint Union High School District are mandating those costs.

17 (c) The state is not obliged to reimburse those costs.

18 SEC. 7. The Legislature finds and declares that, due to the
19 unique circumstances applicable to the Grant Joint Union High
20 School District, a general statute cannot be enacted within the
21 meaning of subdivision (b) of Section 16 of Article IV of the
22 California Constitution.

23 *SEC. 8. Section 1.5 of this bill incorporates amendments to*
24 *Section 17556 of the Government Code proposed by both this bill*
25 *and AB 2855. It shall only become operative if (1) both bills are*
26 *enacted and become effective on or before January 1, 2005, (2)*
27 *each bill amends Section 17556 of the Government Code, and (3)*
28 *this bill is enacted after AB 2855, in which case Section 1 of this*
29 *bill shall not become operative.*
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